

LIONEL Z. GLANCY (#134180)
MICHAEL GOLDBERG (#188669)
GLANCY BINKOW & GOLDBERG LLP
1801 Avenue of the Stars, Suite 311
Los Angeles, California 90067
Telephone: (310) 201-9150
Facsimile: (310) 201-9160
E-mail: info@glancylaw.com

*Attorneys for Plaintiffs, and
Proposed Co-Lead Counsel*

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

FRED JEAN, Individually and on Behalf
of All Others Similarly Situated,

Plaintiff,

v.

STEC, INC., MANOUCH MOSHAYEDI
and MARK MOSHAYEDI,

Defendants.

No. 09-cv-01304-JVS-MLG

CLASS ACTION

**NOTICE OF MOTION AND
MOTION OF THE STEC INC.
INVESTOR GROUP FOR
CONSOLIDATION OF
RELATED ACTIONS,
APPOINTMENT AS LEAD
PLAINTIFF AND APPROVAL OF
CO-LEAD COUNSEL**

Date: February 8, 2010
Time: 1:30 p.m.
Courtroom: 10C
Honorable James V. Selna

[Captions Continue on Following Pages]

HADI SAKHAI, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

STEC INC., MANOUCH MOSHAYEDI,
MARK MOSHAYEDI, RAYMOND D.
COOK, J.P. MORGAN SECURITIES
INC., DEUTSCHE BANK SECURITIES
INC., BARCLAYS CAPITAL INC. and
OPPENHEIMER & CO. INC.,

Defendants.

No. 09-cv-01306-JVS-MLG

FRED GREENWALD, Individually and
on Behalf of All Others Similarly
Situated,

Plaintiff,

v.

STEC INC., MANOUCH MOSHAYEDI
and MARK (MERHDAD)
MOSHAYEDI,

Defendants.

No. 09-cv-01315-JVS-MLG

DANIEL MUNTER, Individually and on
Behalf of All Others Similarly Situated,

Plaintiff,

v.

STEC INC., MANOUCH MOSHAYEDI,
MARK MOSHAYEDI and RAYMOND
D. COOK,

Defendants.

No. 09-cv-01320-JVS-MLG

[Captions Continue on Following Page]

MARCEL WEINBERGER, Individually
and on Behalf of All Others Similarly
Situating,

Plaintiff,

v.

STEC INC., MANOUCH MOSHAYEDI,
MARK MOSHAYEDI and RAYMOND
D. COOK,

Defendants.

No. 09-cv-01460-JVS-MLG

JONATHAN FISCHER, Individually and
on Behalf of All Others Similarly
Situating,

Plaintiff,

v.

STEC INC., MANOUCH MOSHAYEDI,
MARK MOSHAYEDI and RAYMOND
D. COOK,

Defendants.

No. 09-cv-08536-JVS-MLG

**TO ALL PARTIES AND THEIR RESPECTIVE ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE, that on February 8, 2010, at 1:30 p.m., or as soon
thereafter as the matter can be heard, in the courtroom of the Honorable James V.
Selna, situated at 411 West Fourth Street, Santa Ana, California, movants Jesus
Tudela, Emilio Gerov, Mark Patel and Garrett Nishihara (collectively, the “STEC
Inc. Investor Group” or “Movants”) will move, and hereby do move, under
§§21(D) *et seq.* of the Securities Exchange Act of 1934 as amended by the Private
Securities Litigation Reform Act of 1995 (“PSLRA”), for an order (a)
consolidating related actions, (b) appointing Jesus Tudela, Emilio Gerov, Mark
Patel and Garrett Nishihara as lead plaintiff, and (c) approving their selection of

1 Saxena White P.A. and Glancy Binkow & Goldberg LLP as co-lead counsel for the
2 Class.

3 This motion is brought pursuant to the Securities Exchange Act of 1934, the
4 Federal Rules of Civil Procedure and the PSLRA.

5 This motion is based on this Notice, the attached memorandum of points and
6 authorities, the declaration of Michael Goldberg, and the Court's complete files
7 and records in this action, as well as such further argument as the Court may allow
8 at a hearing on this motion.

9 **COMPLIANCE WITH CIVIL LOCAL RULE 7-3**

10 This motion is filed pursuant to Section 21D of the Securities Exchange Act
11 of 1934, as amended by the PSLRA. This Section provides that within 60 days
12 after publication of the required notice, any member of the proposed class may
13 apply to the Court to be appointed as lead plaintiff, whether or not they have
14 previously filed a complaint in the underlying action. Consequently, counsel for
15 Movant has no way of knowing who, if any, the competing lead plaintiff
16 candidates are at this time. As a result, counsel for Movant has been unable to
17 conference with opposing counsel as prescribed in Local Rule 7-3, and respectfully
18 requests that the conference requirement of Local Rule 7-3 be waived for this
19 motion. Pursuant to §77u-4(a)(3)(B)(iii)(II), defendants do not have standing to
20 oppose the appointment of Movant as lead plaintiff. *See also Takeda v. Turbodyne*
21 *Techs., Inc.*, 67 F. Supp. 2d. 1129, 1138 (C.D. Cal. 1999).

22 Respectfully submitted,

23 Dated: January 5, 2010

GLANCY BINKOW & GOLDBERG LLP

/s/ Michael Goldberg

Michael Goldberg

Lionel Z. Glancy

1801 Avenue of the Stars, Suite 311

Los Angeles, California 90067

1 Telephone: (310) 201-9150
2 Facsimile: (310) 201-9160

3 **SAXENA WHITE P.A.**

4 Maya S. Saxena
5 Joseph E. White III
6 2424 N. Federal Highway
7 Suite 257
8 Boca Raton, Florida 33431
9 Telephone: (561) 394-3399
10 Facsimile: (561) 394-3382

11 *Attorneys for Movants,*
12 *and Proposed Co-Lead Counsel*
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**PROOF OF SERVICE VIA ELECTRONIC POSTING PURSUANT TO
CENTRAL DISTRICT OF CALIFORNIA LOCAL RULES AND ECF
GENERAL ORDER NO. 08-02**

I, the undersigned, say:

I am a citizen of the United States and am employed in the office of a member of the Bar of this Court. I am over the age of 18 and not a party to the within action. My business address is 1801 Avenue of the Stars, Suite 311, Los Angeles, California 90067.

On January 5, 2010, I caused to be served the following document:

1	NOTICE OF MOTION AND MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL
2	MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL
3	DECLARATION OF MICHAEL GOLDBERG IN SUPPORT OF MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL
4	[PROPOSED] ORDER GRANTING MOTION OF THE STEC INC. INVESTOR GROUP FOR CONSOLIDATION OF RELATED ACTIONS, APPOINTMENT AS LEAD PLAINTIFF AND APPROVAL OF CO-LEAD COUNSEL

By posting this document to the ECF Website of the United States District Court for the Central District of California, for receipt electronically by the following parties:

[SEE ATTACHED SERVICE LIST]

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on January 5, 2010, at Los Angeles, California.

s/Michael Goldberg
Michael Goldberg

Jean v. STEC, Inc., et al., No. 09-cv-01304-JVS-MLG

SERVICE LIST

Electronically To All ECF-Registered Entities

John A. Lowther, IV	49th Floor
William James Doyle, II	New York, NY 10119
Doyle Lowther LLP	Kim Miller
9466 Black Mountain Road	Kahn Swick & Foti, LLC
Suite 210	12 East 41st Street
San Diego, CA 92126	12th Floor
	New York, NY 10007
Arthur N. Abbey	Lewis Kahn
Nancy Kaboolian	Kahn Swick & Foti, LLC
Abbey Spanier Rodd and Abrams	650 Poydras Street
212 East 39th Street	Suite 2150
New York, NY 10016	New Orleans, LA 70130
Darren J. Robbins	
David C. Walton	
Coughlin Stoia Geller	
Rudman & Robbins LLP	
655 West Broadway Suite 1900	Jeff S. Westerman
San Diego, CA 92101	Sabrina S. Kim
	Milberg LLP
Hamilton Lindley	One California Plaza
Joe Kendall	300 South Grand Avenue
Kendall Law Group LLP	Suite 3900
3232 McKinney Avenue	Los Angeles, CA 90071
Suite 700	
Dallas, TX 75204	
Jordan L. Lurie	
Leigh A. Parker	
Weiss and Lurie	
10940 Wilshire Boulevard	
Suite 2300	
Los Angeles, CA 90024	
Jeffrey R. Krinsk	
Finkelstein and Krinsk LLP	
501 West Broadway	
Suite 1250	
San Diego, CA 92101-3579	
Timothy J. Burke	
Stull Stull & Brody	
10940 Wilshire Boulevard	
Suite 2350	
Los Angeles, CA 90024	
Anne Marie Vu	
Milberg LLP	
One Pennsylvania Plaza	

1 Stephen R. Basser
2 Barrack Rodos and Bacine
3 600 West Broadway Suite 900
4 San Diego, CA 92101

5 **By US Mail To All Known Non-ECF-Registered Entities**

6 Maya S. Saxena
7 Joseph E. White III
8 Saxena White P.A.
9 2424 N. Federal Highway, Suite 257
10 Boca Raton, FL 33431

11 Michele D. Johnson
12 Carolyn A. Dawes
13 Latham & Watkins LLP
14 650 Town Center Drive, Suite 2000
15 Costa Mesa, CA 92626
16
17
18
19
20
21
22
23
24
25
26
27
28